



Rep. Dan Reitz

Filed: 4/12/2005

09400HB1074ham002

LRB094 08799 RCE 45083 a

1 AMENDMENT TO HOUSE BILL 1074

2 AMENDMENT NO. _____. Amend House Bill 1074, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 10. The Fish and Aquatic Life Code is amended by
6 changing Section 1-75 as follows:

7 (515 ILCS 5/1-75) (from Ch. 56, par. 1-75)

8 Sec. 1-75. Resident. "Resident" means a person who in good
9 faith makes application for any license or permit and verifies
10 by statement that he or she has maintained his or her permanent
11 abode in this State for a period of at least 30 consecutive
12 days immediately preceding the person's application, and who
13 does not maintain permanent abode or claim residency in another
14 state for the purposes of obtaining any of the same or similar
15 licenses or permits covered by this Code ~~actually resided in~~
16 ~~this State for at least the 30 consecutive days before the date~~
17 ~~of application and that his or her residence or permanent abode~~
18 ~~is, at the time of making application, in this State. A~~
19 person's permanent abode is his or her fixed and permanent
20 dwelling place, as distinguished from a temporary or transient
21 place of residence. Domiciliary intent is required to establish
22 that the person is maintaining his or her permanent abode in
23 this State. Evidence of domiciliary intent includes, but is not
24 limited to, the location where the person votes, pays personal

1 income tax, or obtains a drivers license. Except for the
2 purposes of obtaining a Lifetime License, any ~~Any~~ person on
3 active duty in the Armed Forces shall be considered a resident
4 of Illinois during his or her period of military duty.

5 (Source: P.A. 87-833.)

6 Section 15. The Wildlife Code is amended by changing
7 Sections 1.2m, 2.26, and 3.37 as follows:

8 (520 ILCS 5/1.2m) (from Ch. 61, par. 1.2m)

9 Sec. 1.2m. "Resident" means a person who in good faith
10 makes application for any license or permit and verifies by
11 statement that he or she has maintained his or her permanent
12 abode in this State for a period of at least 30 consecutive
13 days immediately preceding the person's application, and who
14 does not maintain permanent abode or claim residency in another
15 state for the purposes of obtaining any of the same or similar
16 licenses or permits covered by this Code ~~actually resided in~~
17 ~~this State at least 30 days consecutively preceding the date of~~
18 ~~his application and that his residence or permanent abode is,~~
19 ~~at the time of making application, in this State. A person's~~
20 permanent abode is his or her fixed and permanent dwelling
21 place, as distinguished from a temporary or transient place of
22 residence. Domiciliary intent is required to establish that the
23 person is maintaining his or her permanent abode in this State.
24 Evidence of domiciliary intent includes, but is not limited to,
25 the location where the person votes, pays personal income tax,
26 or obtains a drivers license. Except for the purposes of
27 obtaining a Lifetime License, any ~~Any~~ person on active duty in
28 the Armed Forces shall be considered a resident of Illinois
29 during his or her period of military duty.

30 (Source: P.A. 81-382.)

31 (520 ILCS 5/2.26) (from Ch. 61, par. 2.26)

1 Sec. 2.26. Deer hunting permits. In this Section, "bona
2 fide equity shareholder" means an individual who (1) purchased,
3 for market price, publicly sold stock shares in a corporation,
4 purchased shares of a privately-held corporation for a value
5 equal to the percentage of the appraised value of the corporate
6 assets represented by the ownership in the corporation, or is a
7 member of a closely-held family-owned corporation and has
8 purchased or been gifted with shares of stock in the
9 corporation accurately reflecting his or her percentage of
10 ownership and (2) intends to retain the ownership of the shares
11 of stock for at least 5 years.

12 In this Section, "bona fide equity member" means an
13 individual who (1) (i) became a member upon the formation of
14 the limited liability company or (ii) has purchased a
15 distributional interest in a limited liability company for a
16 value equal to the percentage of the appraised value of the LLC
17 assets represented by the distributional interest in the LLC
18 and subsequently becomes a member of the company pursuant to
19 Article 30 of the Limited Liability Company Act and who (2)
20 intends to retain the membership for at least 5 years.

21 In this Section, "bona fide equity partner" means an
22 individual who (1) (i) became a partner, either general or
23 limited, upon the formation of a partnership or limited
24 partnership, or (ii) has purchased, acquired, or been gifted a
25 partnership interest accurately representing his or her
26 percentage distributional interest in the profits, losses, and
27 assets of a partnership or limited partnership, (2) intends to
28 retain ownership of the partnership interest for at least 5
29 years, and (3) is a resident of Illinois.

30 Any person attempting to take deer shall first obtain a
31 "Deer Hunting Permit" in accordance with prescribed
32 regulations set forth in an Administrative Rule. Deer Hunting
33 Permits shall be issued by the Department. The fee for a Deer
34 Hunting Permit to take deer with either bow and arrow or gun

1 shall not exceed \$15.00 for residents of the State. The
2 Department may by administrative rule provide for non-resident
3 deer hunting permits for which the fee will not exceed \$410
4 ~~\$200~~ except as provided below for non-resident landowners and
5 non-resident archery hunters. The Department may by
6 administrative rule provide for a non-resident archery deer
7 permit consisting of not more than 2 harvest tags at a total
8 cost not to exceed \$435 ~~\$225~~. Permits shall be issued without
9 charge to:

10 (a) Illinois landowners residing in Illinois who own at
11 least 40 acres of Illinois land and wish to hunt their land
12 only,

13 (b) resident tenants of at least 40 acres of commercial
14 agricultural land where they will hunt, and

15 (c) Bona fide equity shareholders of a corporation,
16 bona fide equity members of a limited liability company, or
17 bona fide equity partners of a general or limited
18 partnership which owns at least 40 acres of land in a
19 county in Illinois who wish to hunt on the corporation's,
20 company's, or partnership's land only. One permit shall be
21 issued without charge to one bona fide equity shareholder,
22 one bona fide equity member, or one bona fide equity
23 partner for each 40 acres of land owned by the corporation,
24 company, or partnership in a county; however, the number of
25 permits issued without charge to bona fide equity
26 shareholders of any corporation or bona fide equity members
27 of a limited liability company in any county shall not
28 exceed 15, and shall not exceed 3 in the case of bona fide
29 equity partners of a partnership.

30 Bona fide landowners or tenants who do not wish to hunt
31 only on the land they own, rent, or lease or bona fide equity
32 shareholders, bona fide equity members, or bona fide equity
33 partners who do not wish to hunt only on the land owned by the
34 corporation, limited liability company, or partnership shall

1 be charged the same fee as the applicant who is not a
2 landowner, tenant, bona fide equity shareholder, bona fide
3 equity member, or bona fide equity partner. Nonresidents of
4 Illinois who own at least 40 acres of land and wish to hunt on
5 their land only shall be charged a fee set by administrative
6 rule. The method for obtaining these permits shall be
7 prescribed by administrative rule.

8 The deer hunting permit issued without fee shall be valid
9 on all farm lands which the person to whom it is issued owns,
10 leases or rents, except that in the case of a permit issued to
11 a bona fide equity shareholder, bona fide equity member, or
12 bona fide equity partner, the permit shall be valid on all
13 lands owned by the corporation, limited liability company, or
14 partnership in the county.

15 The standards and specifications for use of guns and bow
16 and arrow for deer hunting shall be established by
17 administrative rule.

18 No person may have in his possession any firearm not
19 authorized by administrative rule for a specific hunting season
20 when taking deer.

21 Persons having a firearm deer hunting permit shall be
22 permitted to take deer only during the period from 1/2 hour
23 before sunrise to sunset, and only during those days for which
24 an open season is established for the taking of deer by use of
25 shotgun, handgun, or muzzle loading rifle.

26 Persons having an archery deer hunting permit shall be
27 permitted to take deer only during the period from 1/2 hour
28 before sunrise to 1/2 hour after sunset, and only during those
29 days for which an open season is established for the taking of
30 deer by use of bow and arrow.

31 It shall be unlawful for any person to take deer by use of
32 dogs, horses, automobiles, aircraft or other vehicles, or by
33 the use of salt or bait of any kind. An area is considered as
34 baited during the presence of and for 10 consecutive days

1 following the removal of bait. Nothing in this Section shall
2 prohibit the use of a dog to track wounded deer. Any person
3 using a dog for tracking wounded deer must maintain physical
4 control of the dog at all times by means of a maximum 50 foot
5 lead attached to the dog's collar or harness. Tracking wounded
6 deer is permissible at night, but at no time outside of legal
7 deer hunting hours or seasons shall any person handling or
8 accompanying a dog being used for tracking wounded deer be in
9 possession of any firearm or archery device. Persons tracking
10 wounded deer with a dog during the firearm deer seasons shall
11 wear blaze orange as required. Dog handlers tracking wounded
12 deer with a dog are exempt from hunting license and deer permit
13 requirements so long as they are accompanied by the licensed
14 deer hunter who wounded the deer.

15 It shall be unlawful to possess or transport any wild deer
16 which has been injured or killed in any manner upon a public
17 highway or public right-of-way of this State unless exempted by
18 administrative rule.

19 Persons hunting deer must have gun unloaded and no bow and
20 arrow device shall be carried with the arrow in the nocked
21 position during hours when deer hunting is unlawful.

22 It shall be unlawful for any person, having taken the legal
23 limit of deer by gun, to further participate with gun in any
24 deer hunting party.

25 It shall be unlawful for any person, having taken the legal
26 limit of deer by bow and arrow, to further participate with bow
27 and arrow in any deer hunting party.

28 The Department may prohibit upland game hunting during the
29 gun deer season by administrative rule.

30 The Department shall not limit the number of resident
31 archery deer hunting permits. The Department shall not limit
32 the number of non-resident archery deer hunting permits to less
33 than 20,000.

34 It shall be legal for handicapped persons, as defined in

1 Section 2.33, to utilize a crossbow device, as defined in
2 Department rules, to take deer.

3 Any person who violates any of the provisions of this
4 Section, including administrative rules, shall be guilty of a
5 Class B misdemeanor.

6 (Source: P.A. 92-177, eff. 7-27-01; 92-261, eff. 8-7-01;
7 92-651, eff. 7-11-02; 93-554, eff. 8-20-03; 93-807, eff.
8 7-24-04; 93-823, eff. 1-1-05; revised 10-14-04.)

9 Section 99. Effective date. This Act takes effect upon
10 becoming law.".